

KAREN GREEN,)
)
Plaintiff,)
)
vs.) Case No. 4:06CV322 HEA
)
BANKERS LIFE and CASUALTY,)
et al.,)
)
Defendants.)

This matter is before the Court on defendant American Bankers Insurance Company's Motion to Dismiss or for More Definite Statement, [Doc. No. 10]. Although this motion was filed in the State Court prior to removal to this Court, this motion was not docketed on this Court's docket until June 27, 2006. Notification of this docketing was sent electronically to the parties. On July 10, 2006, plaintiff responded to the motion. Plaintiff was under the impression that defendant had newly filed the motion. Since the filing of plaintiff's response, defendant has not filed a reply and it appears to the Court that defendant does not seek to pursue this motion in this Court, presumably because of the different pleading standard applicable in the Federal Court.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Dismiss or in the Alternative, Motion for More Definite Statement, [Doc. No. 10], is denied without prejudice to refiling in this Court.

IT IS FURTHER ORDERED that defendant American Bankers Insurance Company is given 20 days from the date of this Order to file a responsive pleading in this matter.

Dated this 25th day of July, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in dark ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE